

**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA**

**INQUIRY CONCERNING A JUDGE  
NO. 01-442, JOYCE JULIAN**

---

**RESPONDENT'S ANSWER TO NOTICE  
OF FORMAL CHARGES**

COMES NOW Respondent, JUDGE JOYCE A. JULIAN, by and through undersigned counsel, and files this, her written Answer to the charges made against her in a certain Notice of Formal Charges served upon her on or about February 20, 2002, and would show as follows:

1. That the Answer filed and defenses contained herein are timely submitted in that the parties have agreed to an extension of time for filing the Answer until on or about May 7, 2002.

**INCIDENT AT AMELIA ISLAND PLANTATION RESORT**

2. That as to the allegations contained in Paragraph 1 of the Notice of Formal Charges, Respondent admits that on the evening of November 30, 2001, and the early morning of December 1, 2001, while at the Amelia Island Plantation Resort, she became extremely intoxicated from the consumption of alcoholic beverages. Respondent admits that earlier in the evening she entered what appeared to be an

informal party which was being held in an outside patio area between the main lobby and the Resort Conference Center. Respondent stayed at the party for approximately 10 to 15 minutes during which time she consumed some wine and engaged in casual conversation with some of the guests. Respondent admits that she did not have a formal invitation to the party, but would further aver that it appeared no formal invitation was required. Respondent is without knowledge as to whether the party in question was "private." Respondent further avers that her presence at the party was cordial, friendly, and without incident. Respondent left the outside patio area and took the shuttle to a restaurant at a different location on the resort property where she ate dinner alone. Respondent admits that after dinner she returned by shuttle to the lounge located at the main lobby. Respondent further admits that it has been reported that later in the evening she fell down in a public area (a dance floor) and, thereafter, became partially unclothed after leaving the lounge. Respondent is without actual knowledge as to these allegations as they have been reported, since she experienced an apparent alcoholic blackout at the time that these events were alleged to have occurred. Respondent has only a vague recollection of leaving the resort lounge at the end of the evening and has no recollection of any of the events thereafter until such time as she was being questioned outside on the resort grounds by law enforcement officers. The officers questioned Respondent to determine what had taken place that caused her to be outside wearing no pants at 3:00 a.m. In fact, the officers seemed to be quite concerned that Respondent may

have been assaulted. Respondent denies that she acted in an abusive manner towards the security personnel and law enforcement officers. In fact, Respondent's recollection of her encounter with the law enforcement officers is largely corroborated by the audio/video tape recorded at the time of the questioning by the Nassau County Sheriff's Officers while still on the grounds of the Amelia Island Plantation Resort. Respondent submits that the audio/video tape in question suggests that she was not arrested because she acted in an abusive and disorderly manner in the presence of law enforcement officers but because the resort staff and security were unable to corroborate Respondent's claim that she was an authorized guest of the resort. Respondent further avers that a review of the audio/video tape in question reveals her to have been intoxicated, emotionally distraught, and confused, but clearly not abusive.

#### FALSE STATEMENT TO DEPUTY SHERIFF

3. Respondent admits that on the early morning of December 1, 2001, she prepared a handwritten statement while in custody at the Nassau County Jail in the booking area, and thereafter changed her mind and refused to sign or swear to the written statement because she did not believe it was true and accurate. At the time that Respondent prepared the written statement in question, she was still intoxicated and disoriented and was becoming increasingly more frightened and concerned as to what may have transpired that caused her to be discovered on the Amelia Island Plantation grounds wearing no pants at approximately 3:00 a.m. Respondent had

no personal knowledge or independent recollection of how she came to be in such a condition but as she gradually learned more of the disturbing details and circumstances from law enforcement as to how she had been discovered, she developed a legitimate and understandable fear that she may have been the victim of a sexual assault. In addition, Respondent recalls being asked repeatedly by law enforcement officers whether she had been assaulted and if she could tell them who had done this to her. At that time, Respondent believed that she had been arrested and was being booked into Nassau County Jail because she was either unable or unwilling to provide information as to whether she had been assaulted, and if so, by whom. Respondent denies that she informed a Nassau County Deputy Sheriff in the early morning hours of December 1, 2001, that she had been drugged. Respondent does acknowledge and admit, however, that on Tuesday, December 4, 2001, she appeared with undersigned counsel at the office of Nassau County Detective Greg Foster and requested, through counsel, that the Nassau County Sheriff's Office fully investigate the aforescribed incident to determine whether Respondent may have been involuntarily drugged and assaulted, since Respondent had no idea what had occurred and no recollection of having consumed such an amount of alcohol that would have caused such a total blackout. Respondent now admits that a significant factor that contributed to her initial refusal and inability to accept personal responsibility for her extreme level of intoxication at the time of this event stemmed from her continuing denial that she suffers from the disease of alcoholism.

**INCIDENT ON SEPTEMBER 23, 2000, IN PLANTATION, FLORIDA**

4. That as to the allegations contained in Paragraph 3 of the Notice of Formal Charges, Respondent admits that prior to December 1, 2001, she used alcohol to excess on several occasions. Respondent further admits that the Plantation Police were called to her home on the evening of September 23, 2000, as the result of an argument with her daughter. Respondent admits that on the occasion in question she had consumed alcohol. Respondent would aver, however, that although alcohol may have been a contributing factor which led to the incident on September 23, 2000, it was not the sole cause of the incident. Respondent avers that the incident in question occurred in the privacy of her own home, and although regrettable and embarrassing, does not constitute an independent basis for a violation of Canon 1, 2, or 3 of the Code of Judicial Conduct.

5. Respondent denies that the allegations contained in the Notice of Formal Charges, neither individually nor collectively, constitute a violation of Canon 3 of the Code of Judicial Conduct which pertains to the actual performance of official judicial duties and the discharge of judicial responsibilities in accordance with the specific standards set forth herein.

6. Respondent herein admits and formally recognizes that she suffers from the disease of alcoholism. Since December, 2001, however, Respondent has successfully completed a residential alcohol treatment program and has continued with outpatient therapy, counseling, and ongoing recovery through Florida Lawyers

Assistance, Inc.

7. Respondent herein acknowledges that although she has denied in part some of the factual allegations contained in the Notice of Formal Charges, she has admitted sufficient facts that could constitute violations of Cannons 1 and 2 of the Code of Judicial Conduct. Respondent concedes that said violations, if unresolved, could give rise to questions as to Respondent's present fitness to hold the Office of Judge. However, in light of Respondent's acceptance of responsibility and the significant strides she has made through treatment, therapy and coming to terms with the disease of alcoholism, that appropriate discipline should be considered, short of removal from office. Such a resolution would balance the public's confidence in the integrity of the Judiciary and allow Respondent to continue serving in the Judicial Office to which she has been elected by the citizens of Broward County, Florida.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of Respondent's Answer to Notice of Formal Charges has been furnished by U.S. Mail 6th this day of May, 2002, to: MARK HULSEY, Esquire, Hulsey & Busey, 225 Water Street, Suite 1800, Jacksonville, FL 32202; THOMAS C. MacDONALD, Jr., General Counsel, Florida Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, FL 33602; the HONORABLE JAMES R. JORGENSEN, Third District Court of Appeal,

**2001 SW 117<sup>th</sup> Avenue, Miami, FL 33175-1716; and JOHN R. BERANEK, Esquire,  
Ausley & McMullen, Post Office Box 391, Tallahassee, FL 32302.**

**Respectfully submitted,**

**BOGENSCHUTZ & DUTKO, P.A.  
Counsel for Judge Julian  
600 South Andrews Avenue  
Suite 500  
Fort Lauderdale, FL 33301  
954-764-2500**

**By: \_\_\_\_\_  
MICHAEL E. DUTKO  
Florida Bar No. 434957**